

College of OCCUPATIONAL THERAPISTS of Ontario

2023 Fair Registration Practices Report

Prepared for the Office of the Fairness Commissioner (OFC)



FAIRNESS COMMISSIONER
COMMISSAIRE À L'ÉQUITÉ

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1. Background

Under section 20 of the Fair Access to Regulated Professions and Compulsory Trades Act, 2006 (FARPACTA), which is substantially similar to section 22.7(1) of Schedule 2 of the Regulated Health Professions Act, 1991 (RHPA),

“A regulated profession shall prepare a fair registration practices report annually or at such other times as the Fairness Commissioner may specify or at such times as may be specified in the regulations”.

Section 23 of FARPACTA and Section 22.9 of Schedule 2 of the RHPA then go on to indicate that the Fairness Commissioner shall specify the form in which these reports shall be prepared, along with the required filing dates. This section also stipulates that a regulator must make these reports public.

It is pursuant to these authorities that the Office of the Fairness Commissioner (OFC) has required that each regulator complete its 2023 Fair Registration Practices Report (FRP).

Please note that this report covers the time-period from January 1 to December 31, 2023.

The FRP:

- Collects information about the organization, applicants to the profession and current membership.
- Provides information to the public about how the organization has implemented fair registration practices during the reporting period.
- Helps the OFC to successfully undertake the education and compliance activities which include monitoring, applying a risk-informed compliance framework, assessing performance, and sharing best practices.
- Determines whether the regulator is complying with recently enacted legislative and regulatory provisions designed to reduce barriers for domestic labour mobility and internationally trained applicants.
- Identifies trends across regulated professions and regulated health colleges.

Please note that the 2023 version of the FRP has changed from the previous version in terms of both form and content as the OFC's enabling statutes have evolved and as the office migrates to a more permanent portal-enabled database solution.

2. Organization information

Organization name	College of OCCUPATIONAL THERAPISTS of Ontario
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3. Registration requirements

Applicants to the regulated professions and compulsory trades must fulfil registration requirements to practice their profession or use a professional title. This section summarizes registration requirements for each profession or trade regulated by College of OCCUPATIONAL THERAPISTS of Ontario

Licensing requirements (brief description for each requirement listed):

Profession/ Trade Name	Occupational Therapist
Academic requirement	A Bachelor of Science degree or Master of Science in Occupational Therapy obtained in Ontario or an academic qualification considered equivalent by the College's Registration Committee. If you were educated outside of Canada, your education is reviewed by the Association of Canadian Occupational Therapy Regulatory Organizations (ACOTRO) to ensure that it is substantially equivalent to the content of an Ontario occupational therapy program.

<p>Experience requirement</p>	<p>Successful completion of 1000 hours of fieldwork or clinical practicum as part of the education program. Graduation from an approved occupational therapy program within the past 18 months, or 600 hours of occupational therapy practice within the past 3 years, or Successful completion a College approved Refresher Program within the last 18 months.</p>
<p>Language requirement</p>	<p>Must be able to speak and write either English or French with reasonable fluency. Individuals whose first language is not English or French, or whose occupational therapy education was not in English or French, must provide evidence of fluency.</p>
<p>Additional information on licensing requirements (may include links to appropriate page on regulator website):</p>	<p>Successful completion of the Canadian Association of Occupational Therapists' National Occupational Therapy Certification Examination. The College must be satisfied that you will practice occupational therapy safely and ethically. This requirement includes submission of a current Vulnerable Sector (VS) Check - visit our VS Check webpage for full details Must be a Canadian citizen or a permanent resident of Canada, or be authorized under the Canadian Immigration and Refugee Protection Act, 2001 to engage in work as an occupational therapist.</p>

4. Third party assessments

Third party organizations that assess qualifications on behalf of the regulator.

Organization name	Function
Canadian Association of Occupational Therapists	Knowledge based exam

Fair access legislation requires regulators to take reasonable measures to ensure that any third parties undertake assessment of qualifications in a way that is transparent, objective, impartial and fair.

College of OCCUPATIONAL THERAPISTS of Ontario takes the following measure(s) to ensure fair and timely assessments:

COTO has an administration agreement with the Canadian Association of Occupational Therapists to administer the National Occupational Therapy Certification Examination (NOTCE) to assess entry level competency for Occupational Therapists in Ontario. COTO receives examination results; and an operational and technical report with data related to service timelines, availability of exam seats, privacy, cyber-security, and the availability of an appeal mechanism after each exam and participates in an exam over-site meeting on a regular basis. Applicants provide feedback to our third-party which is summarized in the operational and technical report. The registrar meets regularly in partnership with CAOT and the Association of Canadian Occupational Therapy Regulatory Organizations to recommend improvements.

5. Accomplishments, risks and mitigations

Key accomplishments and risks pertaining to fair registration practices during the reporting period are summarized below.

A. Accomplishments

1	Language Fluency - The Association of Canadian Occupational Therapy Regulatory Organizations (ACOTRO) operates a single, centralized process for the assessment of competencies of Internationally Educated Occupational Therapists (IEOTs) called the Substantial Equivalency Assessment System
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	(SEAS). In 2023, The Language Fluency Requirement Policy has been revised and the Language Fluency proficiency requirements under the Immigration and Refugee Protection Act implemented as of January 1, 2023 by the SEAS program. The implementation of this policy ensures more effective and efficient registration especially for internationally educated applicants.
2	Remote practice – Discussions were held through the Association of Canadian Occupational Therapy Regulatory Organizations (ACOTRO) to support OT practice that uses electronic means to deliver service remotely. This promotes appropriate services that are still accountable through regulation, without requiring registration in multiple jurisdictions. COTO allows OTs registered in other Canadian jurisdictions to practice remotely with clients in Ontario without needing to also register in Ontario. A national agreement was signed in fall 2023.
3	Emergency Class of Registration -Regulation and policy-a new regulation and a new policy were developed in consultation with the registrants, to describe the criteria and circumstances that the Board will consider when deciding to activate or resolve access to the College’s Emergency Certificate of Registration in the event of an emergency. This enables certification of all qualified applicants for the period of a significant interruption of the usual registration pathway avoiding lengthy registration delays. (e.g. a catastrophic impact pandemic, technology failures, and/or breach to exam)

B. Risks and Mitigations

Risk	Mitigation Measure
Risk that the College does not support diversity and or inclusion and or equity	COTO began a national project with the Association of Canadian Occupational Therapy Regulatory Organizations (ACOTRO) to implement the 2022 Health Human Resources Minimum Data Set (HHR MDS) in 2023. In 2024- technical design and development will enable COTO to collect registration data, make improvements in registration processes, and use evidence generated

	through race based data collection to support fair registration and application decisions.
Risk that Database contains incomplete and/or inaccurate applicant and registrant information	In 2023, the College was in the process of implementing a new enterprise system. The new system is improving overall applicant user experience. This has been a three-year project that will be fully implemented by the end of 2024. This new system enables the College to more precisely track application data related to timelines and benchmarks; and efficient registration processes for applicants and registrants.
Risk that availability of health care personnel has reached a crisis level for governments across the country.	We are working with our Substantial Equivalency Assessment (SEAS) Program to support their timely assessment of international applicants. The SEAS Program attends our registration committee and provide reports to the board quarterly on performance and timelines. We are using our new data system for registration and data base to maximize efficiency and reporting. We are maintaining open communication with ACOTRO, our OT associations and governments to maximize labour mobility.

6. Changes to registration practices

During the January 1 to December 31, 2023 reporting period, College of OCCUPATIONAL THERAPISTS of Ontario has introduced the following changes

impacting its registration processes. Changes, anticipated impacts, and risk mitigation are summarized below.

A. Registration requirements and practices

Registration process	Changes Made (Yes / No)	Description
Registration requirements either through regulation, by-law or policy	Yes	The Language Fluency Requirement Policy has been revised and changes were implemented effective January 1, 2023. The policy now reflects language proficiency requirements under the Immigration and Refugee Protection Act. This change ensures more effective and efficient registration especially for internationally educated applicants through our SEAS program found at: https://acotro-core.org/seas/seas-language-assessment/
New or consolidated class of certificates or licenses	Yes	COTO developed and approved a new regulation for an emergency class of certification. In accordance with section 38.1(1) of Ontario Regulation 226/96, under the Occupational Therapy Act, 1991, the Minister of Health can request that the College issue emergency certificates of registration under this class. Alternatively, the College Board may determine, circumstances exist that impact the ability to issue ordinary registration certificates and that it is in the public interest to issue emergency certificates of registration. The benefit to applicants is that there is an opportunity to be registered when the regular program has been disrupted (e.g. Provincial Emergency or technical failure of exam sitting). The regulation was developed in consultation with the registrants, to describe the criteria and circumstances that the Board will consider

		when deciding to activate or resolve access to the College’s Emergency Certificate of Registration in the event of an emergency. The policy describes the criteria so that fair and consistent decisions are made regarding each application. The regulation allows certification of all qualified applicants for the period of a significant interruption of the usual registration pathway avoiding registration delays caused by an emergency. Registrants holding an Emergency Class Certificate , can transition to the General Class having already met requirements during the emergency period.
Assessment of qualifications, including competency-based assessments and examinations	No	
Documentation requirements for registration	No	
Timelines for registration, decisions and/or responses	No	
Registration and/or assessment fees	No	
Changes to internal review or appeal process	No	
Access by applicants to their records	No	

B. Training, policy and applicant supports

Registration process	Changes Made (Yes / No)	Description
Training and resources for staff who deal with registration issues	Yes	As part of implementation of the organizational Equity, Diversity and Inclusion plan in 2023 registration staff received training related to understanding Human Rights legislation. Staff now have access to an external consultant for assistance with processes and decisions that have an EDI implication. The board developed a strategic plan for 2024-27 in late 2023, which will act as the resource to guide registration processes and decisions to be approved in early 2024.
Resources or training to support applicants to move through the licensing process	No	
Anti-racism and inclusion-based policies and practices	Yes	As part of the organizational EDI plan, the registration team completed the Health Professions Health Professions (HPRO) Equity Impact Assessment in December 2023. As a result, the College will be implementing strategies to promote self-identification of applicants and registrants (along multiple identity factors). COTO began a national project with the Association of Canadian Occupational Therapy Regulatory Organizations (ACOTRO) to do this by implementing the 2022 Health Human Resources Minimum Data Set (HHR MDS) in 2023. In 2024- technical design and development will enable COTO to collect registration data, make improvements in registration processes, and use evidence generated through race based data collection to support fair registration and application

		decisions. To mitigate adverse impacts Applicants/Registrants will be consulted in 2024, with regards to the change to our bylaw.
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C. System partners

Registration process	Changes Made (Yes / No)	Description
Steps to increase accountability of third-party service provider(s)	Yes	Administration Agreements: COTO maintained administration agreements with our third parties which are regularly updated. Partnership Meetings: COTO met with partners of the administration agreements including the Canadian Association of Occupational Therapists (CAOT) (Certification Exam) and the Association of Canadian Occupational Therapy Regulatory Organizations (ACOTRO) (Substantial Equivalency Assessment System (SEAS) Program for Internationally Educated Occupational Therapists. COTO received regular quarterly reports, Exam results, operational and technical reports, as well as feedback from applicants and registrants. The advantage for applicants is that these agreements enable efficient and focused provision of both services.
Accreditation of educational programs	Yes	The Master of Science in Occupational Therapy (MSc.OT) Program from McMaster University was granted an accreditation award, Exemplary Status, for 7 years from April 2023 to 2030. The College monitors the accreditation status of each university in Canada and continues to participate in the accreditation process for Ontario university occupational therapy programs.

Mutual recognition agreements	Yes	In 2023, COTO signed a Memorandum of Understanding with the Association of Canadian Occupational Therapy Regulatory Organizations (ACOTRO) with regards to Remote/Virtual Practices which enables OTs registered anywhere in Canada to provide services in Ontario. The positive impact for applicants is that they do not have to be dually registered to practice virtually in Ontario.
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D. Responsiveness to changes in the regulatory environment

Registration process	Changes Made (Yes / No)	Description
Emergency registration plans	Yes	COTO developed and approved a new regulation for an emergency class of certification. In accordance with section 38.1(1) of Ontario Regulation 226/96, under the Occupational Therapy Act, 1991, the Minister of Health can request that the College issue emergency certificates of registration under this class. Alternatively, the College Board may determine, circumstances exist that impact the ability to issue ordinary registration certificates and that it is in the public interest to issue emergency certificates of registration. The benefit to applicants is that there is an opportunity to be registered when the regular program has been disrupted (e.g. Provincial Emergency or technical failure of exam sitting). The regulation was developed in consultation with the registrants, to describe the criteria and circumstances that the Board will consider when deciding to activate or resolve access to the College’s Emergency Certificate of Registration in the event of an emergency. The

		<p>policy describes the criteria so that fair and consistent decisions are made regarding each application. The regulation allows certification of all qualified applicants for the period of a significant interruption of the usual registration pathway avoiding registration delays caused by an emergency. Registrants holding an Emergency Class Certificate , can transition to the General Class having already met requirements during the emergency period.</p>
<p>Technological or digital improvements</p>	<p>Yes</p>	<p>COTO began implementing a new Enterprise System to automate the application and registration processes. In late 2023, applicants were invited to help us pilot a new application form which includes links to information and a portal to upload required applicant information such as educational history, regulatory history, educational records, and registration documents. Feedback from applicants in the 2023 pilot, has informed further development of the applicant's Application Portal implemented in 2024.</p>
<p>Steps to address labour shortages in the profession or trade</p>	<p>Yes</p>	<p>COTO engaged with partners including the Ontario Society of Occupational Therapists (OSOT); Ontario Occupational Therapy Ontario Collaborative (OTOC)-a collaborative of OSOT, Ontario Universities and COTO; Association of Canadian Occupational Therapy Regulators; Canadian Association of Occupational therapists (CAOT) on a regular basis with regards to labour market supply issues and potential joint efforts. In partnership with these groups, we reviewed Canadian Institute for Health Information (CIHI) on supply and demand. In 2023, we worked with OTOC partnership to improve employer's willingness to hire and support new graduates and</p>

		international graduates. ACOTRO is in process of developing a competency assessment which aims to reduce the number of applicants required to complete supervised practice upon re-entry to practice after an absence from practicing OT in Canada with a plan to implement in mid 2024.
Other	No	

7. Membership and application data

The Office of the Fairness Commissioner collects membership and application data from regulators through annual Fair Registration Practices Reports, which are also made available to the public. Information is collected for the purpose of discerning statistical changes and trends related to a regulator’s membership, application volumes, licensure/certification results, and appeals year over year.

A. Race-based data collected

	Race-based data collected? (Yes or No)
Members	No
Applicants	No

Additional description:

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B. Other identity-based or demographic data collected

	Other identity-based or demographic data collected? (Yes or No)

Members	Yes
Applicants	Yes

Additional description:

Indigenous Identity- In 2015, the Truth and Reconciliation Commission (TRC) released 94 Calls to Action. Of relevance to COTO is the section on Health including Calls to Action 18-24. These address the health disparities faced by Indigenous Peoples and acknowledge how poor Health outcomes are linked to the history of colonization in Canada. With an future outcome of increasing the number of Indigenous occupational therapists in Ontario, COTO requests that OTs Self Identify during application and annual registration renewal. They are asked to self identify First Nations(status, non-status), Metis or Inuit; with choices to state no, prefer not to answer, or unsure. Age-COTO collects demographic data including age Gender-COTO collects information gender identity data (Self-Identification)

C. Languages of service provision

College of OCCUPATIONAL THERAPISTS of Ontario makes application materials and information available to applicants in the following languages.

Language	Yes / No
English	Yes
French	Yes
Other (please specify)	

D. Membership Profile

Profession Name	Total Number of Members
Occupational Therapist	7126

Class of License	Total Number of Members	Total Number of Internationally Educated Members
Full / General/ Independent Practice	6915	606
Provisional	210	7
Temporary	1	1

Gender	Number of Members
Female	6491
Male	628
X (includes trans, non-binary, and two-spirit people)	7

Jurisdiction of Initial Training	Number of Members
Ontario	5917
Other provinces and territories	598
United States	189
Other International	422

Country of Initial Training	Number of Members
Canada	6515
United States of America	189
United Kingdom	99
India	91
Australia	61
Philippines	40
Hong Kong	35
Iran	18
South Africa	15
Pakistan	12

Brazil	10
Israel	7
Germany	6
Jordan	6
Colombia	5
Ireland	4
New Zealand	3
China	2
Spain	1
Japan	1
South Korea	1
Lebanon	1
Sri Lanka	1
Slovenia	1
Sweden	1
Thailand	1

Official language of preference	Number of Members
English	7017
French	109

Racial identity (optional)	Number of Members
Indigenous	72
Not collected	7054

E. Data Notes

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F. Applicant Profile

Profession Name	Total Number of Applicants
Occupational Therapist	371

Gender	Number of Applicants
Female	275
Male	52
X (includes trans, non-binary, and two-spirit people)	2
Other / not collected	42

Jurisdiction of Initial Training	Applications received in 2023	Applications with decisions pending
Ontario	301	68
Other provinces and territories	34	24
United States	6	6
Other International	30	28

Country of Initial Training	Number of Applicants
Canada	268
United States of America	22
Australia	20
India	20
United Kingdom	9
Hong Kong	9
Brazil	3
Jordan	4
South Korea	3
Lebanon	2
Pakistan	3

Philippines	3
Serbia	2
Turkiye	1
South Africa	2

Official language of preference	Number of Members
English	353
French	18

Racial identity (optional)	Number of Members
Not collected	371

G. Data Notes

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H. Application Decisions

The table below summarizes the outcome of registration decisions finalized in 2023. Some applications may have been received in the previous year.

Jurisdiction of initial training	Successful	Unsuccessful	Withdrawn
Ontario	234	0	0
Other provinces and territories	5	0	1
United States	5	0	0
Other International	31	0	0

I. New Registrants

For the 2023 reporting year, the breakdown of new registrants by class of registration is provided below:

Class of registration	Total new registrants by class	Number of internationally educated registrants
Full / General/ Independent Practice	275	31

J. Data Notes

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K. Reviews and Appeals

Applicants for registration may appeal a registration decision. An **internal review or appeal** involves formal reconsideration of a registration decision further to an application and submissions by the applicant.

Jurisdiction of initial training	Number of internal reviews and appeals processed	Number of decisions changed following internal review or appeal
Other provinces and territories	1	1
Other International	2	2

An **external review or appeal** involves review of a registration decision by an external appeal tribunal or court, such as the Health Professions Review and Appeal Board or Divisional Court.

Jurisdiction of initial training	Number of applicants who sought external review or appeal	Number of decisions changed following external review or appeal
Other provinces and territories	0	0
Other International	0	0

Issues raised in reviews and appeals can point to challenges in the registration process. The table below summarizes top issues or reasons that applicants raised during these appeal proceedings.

Issue or reason raised	Number of appeals
1. Inadequate preparation available	3

Internationally trained applicants face additional challenges in the registration process. The table below summarizes top reasons for not registering internationally trained individuals.

Reason for not registering	Number of internationally trained applicants
1. Failure of 3rd Certification Exam Attempt	1

L. Data Notes



8. Changes Related to New Legislative and Regulatory Requirements

By Ontario law, regulated occupations must provide registration practices that are transparent, objective, impartial and fair. Non-health occupations are governed by the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006 (FARPACTA)*, while health professions are governed by the *Regulated Health Professions Act, 2011 (RHPA)*.

In 2021, both statutes were amended to incorporate substantive provisions to:

- A.** Eliminate the use of Canadian experience requirements except under prescribed circumstances.
- B.** Streamline language proficiency testing requirements.
- C.** Provide for the continuity of registration processes during emergency situations.
- D.** Set registration time limits. (FARPACTA only)

College of OCCUPATIONAL THERAPISTS of Ontario has made the following changes to comply with these new legal obligations:

A. Canadian Experience

Change required: No changes required

College of OCCUPATIONAL THERAPISTS of Ontario has taken the following measures to comply with legislative requirements on eliminating Canadian experience requirements unless an exemption is granted or an alternative is identified that meets criteria prescribed in regulations (non-health regulators) or the exceptions in legislation are met (regulated health colleges).

B. Language Proficiency Testing

Change required: Yes

College of OCCUPATIONAL THERAPISTS of Ontario has taken the following measures to comply with recent legislative changes requiring that regulators accept language proficiency testing results derived from any of the tests accepted for immigration purposes to satisfy their language proficiency requirements:

The Language Fluency Requirement Policy has been revised and changes were implemented effective January 1, 2023. The policy now reflects language proficiency requirements under the Immigration and Refugee Protection Act. This change ensures more effective and efficient registration especially for internationally educated applicants through our SEAS program found at: <https://acotro-acore.org/seas/seas-language-assessment/>

College of OCCUPATIONAL THERAPISTS of Ontario offers applicants the following options to demonstrate language proficiency.

- IELTS (General)
- CELPIP (General)
- TEF Canada
- TCF Canada
- Other language proficiency tests
- Success on a licensing exam or assessment
- Education in English or French
- Affidavit
- Other (please specify) • letters from employers/other health professional

C. Emergency Registration

Change required: Yes

College of OCCUPATIONAL THERAPISTS of Ontario has taken the following measures to comply with requirements to establish an emergency class (health colleges) or develop an emergency registration plan (non-health regulators).

COTO has established an emergency class and policy. The policy describes the criteria and circumstances that the Board will consider when deciding to activate or resolve access to the College's Emergency Certificate of Registration. In accordance with section 38.1(1) of Ontario Regulation 226/96, under the Occupational Therapy Act, 1991, the Minister of Health can request that the College issue emergency certificates of registration under this class. Alternatively, the College Board may determine, circumstances exist that impact the ability to issue ordinary registration certificates and that it is in the public interest to issue emergency certificates of registration. The following are conditions of an emergency certificate of registration: 1. The member shall at all times when providing occupational therapy services identify themselves as an emergency certificate member. 2. The member shall only practise the profession while under the supervision of a member in the general class. 3. The member shall be restricted to the use of the title "Occupational Therapist (Emergency Class)" or "OT (Emerg. Class)". Under this regulation, applicants to this class require a reduced number of clinical currency hours and the internal policy sets out steps to assist these registrants to transition to general certification.

Glossary of terms

Applicant: An individual who has applied for membership in a regulated profession or compulsory trade, with the associated rights to practice their profession / trade or use a professional title.

Domestic labour mobility: Applications subject to the Canadian Free Trade Agreement, which stipulates that a certificate issued by one province or territory should be recognized by all others unless there is an exception due to public health, safety and security reasons.

Internationally educated / trained: An individual whose initial professional education was not from a Canadian educational institution, or who is applying for trade certification based on experience gained outside Canada. This category includes individuals with education / training in the US and other countries. It also includes individuals who completed their initial professional education outside Canada and later addressed gaps with courses or a bridging program based in Canada.

Jurisdiction of initial training: For professions, the jurisdiction in which an applicant obtained their initial professional education used in full or partial fulfilment of registration requirements. For trades, the jurisdiction of initial trade experience listed on a Trades Equivalency Assessment (TEA) application.

Member: An individual who has satisfied the conditions for registration in their profession / trade and has been granted the right to practice and/or the right to use a professional designation or title. Members may hold a full license to engage in independent practice, or they may hold an alternate class of registration.

Racial identity: Voluntary self-report data of racial identity as a social description. Follows categories identified in the Ontario Anti-Racism Directorate Data <<https://www.ontario.ca/document/data-standards-identification-and-monitoring-systemic-racism>> .

Registration requirements: the entry-to-practice requirements that that an applicant must meet to be granted full membership in a regulated profession or trade, with the associated right to practice or right to use a professional title.

- **Academic requirement:** The formal education, or equivalent, that is required for licensing or certification in a particular regulated profession or trade.
- **Experience requirement:** The experiential training or work experience that is required for licensing or certification in a particular regulated profession or trade.
- **Language requirement:** The level of language proficiency that is required for licensing or certification in a particular regulated profession or trade, and the language proficiency tests accepted in fulfillment of this requirement.

Third party service provider: An external organization that assesses applicant qualifications on behalf of the regulator.